

PL Sum. J.

Ex. 018



Transcript of James Moyer

Friday, March 18, 2022

W.K. v. Red Roof Inns, Inc

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Reference Number: 113730

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20 Julia Winchester - Videographer

21

22

23

24

25

1 The videotaped deposition of
2 JAMES MOYER was taken by counsel for the
3 Plaintiffs, on March 18, 2022,
4 commencing at 9:13 a.m., in the Regus
5 offices at 3102 West End Avenue, Suite
6 400, Nashville, Tennessee, for all
7 purposes under the Federal Rules of
8 Procedure.

9 The formalities as to notice,
10 caption, certificate, et cetera, are not
11 waived. All objections, except as to
12 the form of the questions, are reserved
13 to the hearing.

14 It is agreed that Carissa L.
15 Boone, being a Notary Public and Court
16 Reporter, may swear the witness, and
17 that the reading and signing of the
18 completed deposition by the witness are
19 not waived.

20
21
22 * * *

1 of Georgia?

2 A. I had all of Georgia.

3 Q. Okay. So, for example, the --
4 one of the hotels in this case is the Red Roof
5 Inn -- I'm going to call it the Red Roof Smyrna.

6 A. Okay.

7 Q. If I call it that, do you know
8 which hotel I'm talking about?

9 A. Yes, I do.

10 Q. Okay. That hotel, I believe, was
11 sold and became a franchise approximately December
12 of 2012. Sound about right to you?

13 A. 2012 sounds right.

14 Q. Okay. Up until it was sold, the
15 Red Roof Inn in Smyrna became a franchise in
16 approximately December of 2012, that hotel was
17 under your umbrella from 2001 up until 2012?

18 A. To the best of my recollection.

19 Q. Got it.

20 One of the other hotels in this
21 case is the Red Roof Inn -- and I don't know how
22 you want me to refer to it. I've seen it as Red
23 Roof Inn North Druid Hills. I've seen it as Red
24 Roof in Buckhead.

25 A. Okay.

1 from a revenue standpoint, but he's not doing
2 great from a quality standpoint as of this review?

3 A. Yes.

4 Q. All right. The next box says --
5 at the very last line, [REDACTED],

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 And you sort of alluded to that
10 with me earlier, that this hotel became a PLUS+
11 property. Tell me what that means.

12 A. Well, so, first of all, a PLUS+
13 location is where they provide different amenities
14 in the room. So it could be from bath towels to
15 providing a snack box in the room to having, you
16 know, wood-like flooring. You know, just those
17 type of improvements in the room.

18 And this was a property that I
19 wasn't an advocate to be a PLUS+ property, and so
20 I -- you know, I want it -- because it wasn't my
21 choice, I wanted to make sure it was successful.

22 Q. Whose choice was it? Was it the
23 investors?

24 A. It was above -- I mean, it was
25 above me. So I would just say the executive

1 for Return Intent, he ranked 109th out of 127
2 properties?

3 A. Correct.

4 Q. All right. [REDACTED]

5 [REDACTED]

6 improvement for a PLUS+ property."

7 Do you see that?

8 A. Yep.

9 Q. All right. So you were concerned
10 that financially, the return on investment when it
11 became a PLUS+ property wouldn't be there, but
12 he's also not meeting -- or he is, in fact, not
13 meeting the quality standards for a PL- -- PLUS+
14 property, fair?

15 A. I was concerned that when it
16 became a PLUS+ property, that we would have a
17 challenging time meeting the company expectations
18 from a performance standpoint, whether that be
19 quality or financial.

20 Q. Okay. And, again, for quality,
21 that in fact played out. At least in 2016, he was
22 not meeting -- three Quality measures didn't meet
23 the standards for a PLUS+ property.

24 A. Okay.

25 Q. All right. All right. Let's pop

1 Q. What else could it be? I'm
2 trying to understand what you mean by "challenging
3 property."

4 A. I mean, typically, it's the
5 employment's perspective, but sometimes it could
6 be dealing with local clientele or transient
7 clientele versus business clientele.

8 Q. All right. And tell me what --
9 and you used those phrases before. Business
10 clientele, you defined something as like sales
11 guys, business --

12 A. Yeah.

13 Q. -- professionals who were
14 traveling for business?

15 A. That would be accurate.

16 Q. Tell me what transient clientele
17 is.

18 A. People that are just going from
19 one place to another. Not necessarily there for
20 business. I don't know what they're there for.
21 Just going from one place to another.

22 Q. Okay. Is that transient
23 clientele, is that anybody outside of business
24 clientele?

25 A. I mean, it could be. I would say

1 of human trafficking? It can be sex trafficking
2 in which a commercial sex act -- sex act is
3 induced by force, fraud or coercion, or it can be
4 sex trafficking in which the person induced to
5 perform such act is younger than 18.

6 A. True.

7 Q. All right. And you and your
8 properties that reported up to you, both Buckhead
9 and the employees at Buckhead and Smyrna, knew
10 that as early as 2012 because it was posted in the
11 break room, right?

12 MR. ALLUSHI: Objection.

13 THE WITNESS: As far as this
14 specific training?

15 BY MS. HOYING:

16 Q. Yeah.

17 A. Yes.

18 Q. All right. And it talks about
19 common trafficking indicators there on the left?

20 A. Okay.

21 Q. You're familiar with those,
22 right?

23 A. I am familiar with those type of
24 things to look for. Or things that identify being
25 common trafficking indicators.

1 AME or RME allocations. I did not want them to
2 mention any TV programming increases, WiFi
3 increases. I didn't want to talk about Next Gen
4 product, in addition to what you're stating I
5 didn't want to mention.

6 Q. Right. Fair enough.

7 I'll hand you what I've just
8 marked as Exhibit 115, which is an e-mail sent
9 later this same day.

10 (Exhibit 115 was marked.)

11 MS. HOYING: The Bates-stamp on
12 this is RRI_WK 4955.

13 BY MS. HOYING:

14 Q. Mr. Moyer, have you seen this
15 e-mail before?

16 A. I vaguely recall it.

17 Q. Did you review this e-mail in
18 preparation for your deposition today?

19 A. I did see it.

20 Q. Okay. So you saw it. Did you
21 see it yesterday?

22 A. Yes.

23 Q. All right. Who is Mike Murphy?

24 A. A peer. Somebody who's in the
25 same position as me.

1 that. I can tell you typically when I
2 put something in quotation marks, it's
3 because I'm using somebody else's words.
4 So when I put: "Well, Mr. Moyer, can
5 you tell me why your total utilities are
6 up 10,000 in the trailing 12 months,"
7 that would have been where somebody on
8 that call during that budget review
9 would have said that.

10 BY MS. HOYING:

11 Q. Sure.

12 A. And so this one here where:
13 "Well, Mr. Moyer, what can you tell me about
14 taking the Buckhead location PLUS+ status," again,
15 that's where I would have been frustrated because
16 the property went to a PLUS+ location. And from
17 me having in quotations that statement, I can only
18 tell you that I can think that that came from a
19 review. It wasn't necessarily something that I
20 personally said.

21 Q. Well, you said: "I'm going to
22 say that my pimps and hoes love them some snacks."

23 A. And, again, because this is so
24 long ago, I don't recall if that was me saying
25 that or if that was anybody else that said that.

1 we had to provide Cheryl an Action Plan on how to
2 improve our overall Quality and Service results.

3 Q. Gotcha.

4 A. [REDACTED]

5 [REDACTED] [REDACTED]

6 [REDACTED]

7 [REDACTED] [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 But, again, even though I might
13 stay away -- stay at one property more so than the
14 other, if there was a need to stay at that
15 property, then I would stay at it. So I still
16 stayed at all the locations, but something like
17 this is why I might stay at another location
18 versus -- I mean, I still would do the property
19 visit, but I may not stay there, if that makes any
20 sense.

21 Q. Right.

22 A. Okay.

23 Q. You may stay at Kennesaw and then
24 visit the Smyrna location --

25 A. Absolutely.

1 Q. -- because they had roach
2 problems?

3 A. Yeah. Bug-related issues, yeah.
4 Or cleanliness. I'm a germaphobe, so I....

5 Q. Where did you stay for the most
6 part when you visited Smyrna, Kennesaw?

7 MR. ALLUSHI: Objection.

8 THE WITNESS: I don't re- -- all
9 I can recall is that I stayed at the
10 various hotels. I stayed at all of
11 them. Would I stay at Kennesaw
12 sometimes more so? It depended on my
13 visitations that I was going to conduct
14 that week so that I could be -- as you
15 know, Atlanta has a lot of bad traffic
16 and time-consuming. So you might stay
17 at another location just to be able to
18 be more effective and efficient to get
19 your visits in.

20 BY MS. HOYING:

21 Q. All right. And I guess my -- I
22 appreciate that.

23 My question was: Did -- the
24 majority of the time when you visited Smyrna, were
25 you actually staying at the Kennesaw location?

1 MR. ALLUSHI: Objection.

2 THE WITNESS: I don't recall.

3 BY MS. HOYING:

4 Q. And on the second page, you see
5 Inn 130. That's Buckhead, right?

6 A. It is.

7 Q. All right. And it talks about
8 their NR and their CSs of 75. And then the
9 complaints there are prostitutes and dog waste?

10 A. That's according to Karesma
11 Hendrix.

12 Q. Right. Yeah. According to a
13 customer --

14 A. Yeah.

15 Q. -- right?

16 And same thing, mattress pad and
17 cleanliness, some reservation disputes and some
18 service issues?

19 A. Okay.

20 Q. Fair?

21 A. Sure. That's what's noted.

22 Q. All right. Did you also -- would
23 you stay away from the Buckhead location because
24 of cleanliness issues?

25 A. There might be times that I would

1 Q. Are there reasons other than
2 cleanliness and traffic?

3 A. Those were the two primary.

4 Q. All right. Okay. I'm going to
5 hand you what's Exhibit 117.

6 (Exhibit 117 was marked.)

7 MS. HOYING: This is Bates RRI_WK
8 8473 -- well, I guess they're out of
9 order. I did them in -- I did them in
10 timestamp order. 8- -- I'm sorry.
11 RRI_WK 4871 to 4873.

12 THE WITNESS: Okay.

13 BY MS. HOYING:

14 Q. Mr. Moyer, did you review this
15 e-mail in preparation for your deposition?

16 A. I have seen this document, yes.

17 Q. Did you see it yesterday?

18 A. Yes.

19 Q. All right. Who is Daniel at the
20 Buckhead location who is sending you an e-mail?

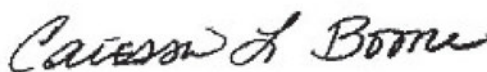
21 A. Daniel is a floating General
22 Manager that I referenced earlier. So he was
23 overseeing this location during a manager
24 transition. And if you saw on that last document,
25 it did say for Buckhead, it said: "Location

REPORTER'S CERTIFICATE

I certify that the witness in the foregoing deposition, JAMES MOYER, was by me duly sworn to testify in the within entitled cause; that the said deposition was taken at the time and place therein named; that the testimony of said witness was reported by me, a Shorthand Reporter and Notary Public of the State of Tennessee authorized to administer oaths and affirmations, and said testimony, Pages 9 through 346 thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for either or any of the parties to said deposition, nor in any way interested in the outcome of the cause named in said deposition.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of April 2022.



Carissa L. Boone, LCR No. 382
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